

Def. Doc. #1971

70th CONGRESS,
2nd Session.

SENATE
In Open Executive Session

Report
No. 1

MULTILATERAL OR KELLOGG-BRIAND TREATY

January 14 (calendar day, JANUARY 15), 1929,
which was read and ordered printed

Mr. BORAH, from the Committee on Foreign Relations,
submitted the following

R E P O R T

(To accompany Executive A, 70th Cong. 2d Sess.)

Your Committee on Foreign Relations reports favorably the treaty signed at Paris August 27, 1928, popularly called the multilateral or Kellogg-Briand treaty. The two articles in this treaty are as follows:

ARTICLE I. The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

ARTICLE II. The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Def. Doc. #1971

The treaty, in brief, pledges the nations bound by the same not to resort to war in the settlement of their international controversies save in bona fide self-defense and never to seek settlement of such controversies except through pacific means. It is hoped and believed that the treaty will serve to bring about a sincere effort upon the part of the nations to put aside war and to employ peaceful methods in their dealing with each other.

The committee reports the above treaty with the understanding that the right of self-defense is in no way curtailed or impaired by the terms or conditions of the treaty. Each nation is free at all times and regardless of the treaty provisions to defend itself and is the sole judge of what constitutes the right of self-defense and the necessity and extent of the same.

The United States regards the Monroe doctrine as a part of its national security and defense. Under the right of selfdefense allowed by the treaty must necessarily be included the right to maintain the Monroe doctrine, which is a part of our system of national defense. Bearing upon this question and as to the true interpretation of the Monroe doctrine as it has always been maintained and interpreted by the United States, we incorporate the following:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this

Def. Doc. #1971

hemisphere as dangerous to our peace and safety. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness.

(President Monroe's message, December 2, 1823).

The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a Nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government. (Message of President Cleveland, December 17, 1895).

The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it. * * * Since the Monroe doctrine is a declaration based upon this Nation's right of self-protection, it can not be transmuted into a joint, or common, declaration by American States, or any number of them.

It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the

Def. Doc. #1971

allied powers "without endangering our peace and happiness" that "the United States can not behold such interposition to any form with indifference." (Hon. Elihu Root, July, 1914.)

There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being, therefore, whenever it oversteps the principle of self-defense reasonably interpreted, the right disappears and the policy is questionable because it then violates the rights of others. * * * The Monroe doctrine is based upon the right of self-defense. This is the first law of nations as of individuals. (Prof. Theodore Woolsey, June, 1914.)

The committee further understands that the treaty does not provide sanctions, express or implied. Should any signatory to the treaty or any nation adhering to the treaty, violate the terms of the same, there is no obligation, or commitment, express or implied, upon the part of any of the other signers of the treaty from any obligation under it with the nation thus violating the same.

In other words, the treaty does not, either expressly or impliedly, contemplate the use of force or coercive measures for its enforcement as against any nation violating it. It is a voluntary pledge upon the part

Def. Doc. #1971

of each nation that it will not have recourse to war, except in self-defense, and that it will not seek settlement of its international controversies except through pacific means. And if a nation sees proper to disregard the treaty and violate the same, the effect of such action is to take it from under the benefits of the treaty and to relieve the other nations from any treaty relationship with the said power.

This treaty in no respect changes or qualifies our present position or relation to any pact or treaty existing between other nations or governments.

This report is made solely for the purpose of putting upon record what your committee understands to be the true interpretation of the treaty and not in any sense for the purpose or with the design of modifying or changing the treaty in any way or effectuating a reservation or reservations to the same.

Def. Doc. #1971

C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 5 pages and entitled "MULTILATERAL OR KELLOGG-BRIAND TREATY - January 14 (calendar day, JANUARY 15), 1929, which was read and ordered printed - Mr. BORAH, from the committee on Foreign Relations, submitted the following REPORT" is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo,
on this 31st day of July, 1947.

/s/ K. HAYASHI (seal)
Signature of Official

Witness: /s/ K. URABE (seal)

6

Not used
Def Doc 1971

米國第七十國會第二會期、

報告書第一號

上院公開執行行讀、

多邊的條約コトケロツグーリアン條約

一九二九年一月十四日（舊日一月十五日）

朗讀サレ且ツ印刷ヲ命ゼラレタルモノ。

外交委員會委員長ボラー氏ハ次ノ報告書ヲ提出

シタ。

（第七十國會第二會期、行政關係Aニ添附）

上院外交委員會ハ、一九二八年八月二十七日巴
里ニ於テ調印サレ、一級ニハ多邊的條約或ハケロ
ツグーリアン條約ト呼ベラルル條約ニ付キ、茲ニ
有利ナル報告ヲスル。此ノ條約ノ二條項ハ次ノ通
リデアル。

第一條 各締約國ハ國際紛争解決ノ爲ニ戦争ニ訴ヘ
ルコトヲ否認シ、相互ノ關係ニ於ケル口實ノ道具
トシテノ戦争ヲ擯棄スルコトヲ夫々ノ國民ノ名ニ
於テ嚴カニ宣言スル。

第二條 各締約國ハ相互ノ間ニ起ルベキ凡テノ紛争
若シクハ衝突ヲソノ性質原因ノ如何ヲ問ハズ平和的
手段以外ノ方法ニヨリ處理スルハ解決セザルコトヲ
約スル。

2

此ノ條約ハ、端的ニ云ヘズ、ソノ條約下ニアル諸國家ガ、舊來ノ自衛ノ權ヲ除キ、ソノ國際紛争ノ解決ニ於テ戦争ニ訴ヘザルコト及ビ斯カル紛争ノ解決ヲ平和的手段以外ノ方法ヲ以テナサザルコトラ誓約シタモノデアル。此ノ條約ハ諸國家ガ戦争ヲ避ケ、ソノ相互ノ利益ニ於テ平和的手段ヲ用イルヨウ與聲ナ努力ヲ振來スルニ役立ツチアロウト期待サレ且ツ信ジラレタイル。

委員會ハ自衛權ガ此ノ條約ノ條項、若シクハ約定ニヨツテ些カモ削減サレ或ハ侵ケラレルモノデハナイト云フ了解ノ下ニ、前記條約ヲ報告スル。各國民ハ信ニ、且ツ條約規定ノ如何ニ拘ラズ、自巳ヲ防衛スル自由ヲ有シ、且ツ自衛權ヲ構成スル所ノモノ並ニ自衛權ノ必要及ビ範圍ノ唯一ノ決定者ナノデアル。

米國ハモンロー主義ヲ、米國ノ安全並ニ防衛ヲ圖ル手段ノ一部分デアルト看做シタイル。我が國防体系ノ一部分タルモンロー主義ヲ維持スル權利ハ必然的ニ該條約ニ於テ許サレタ自衛權ノ中ニ含まレタイナケレバナラナイ。此ノ問題ニ關シテ、又米國ニヨツテ信ニ維持サレ解決サレ來ツタモンロー主義ノ眞ノ解釋ニ關シテ、我々ハ次ノ事項ヲソノ中ニ含メル。

Ref Doc 1971

Ref Doc 197/

ソレ故、コノ半球ノ如何ナル部分ニ弱シテモ、
ソノ組織ヲ擴張セントスル企圖ハ、凡テ我々ノ平
和ト安全トニ弱シ危懼ナモノデアルト云フコトヲ
我々が宣言スルノハ、公平無私、並ニ米國ト之等
ノ國トノ間ニ存在スル友好關係ニ損フモノデアル。
總合國ガ我々ノ平和ト幸福トヲ危殆ニ陥レルコト
ナクシテソノ政治組織ヲ、兩大陸ノ如何ナル部分
ニモ擴張スルコトハ不可能デアル。

(一八二三年十二月二十日ノモンロー大統領ノ

メツセーデ)

我々が依ツテ以テ立ツ所ノ此ノ主義ハ強國ニシ
テ且ツ健全ナモノデアル。何トナレバ、ソノ實地
ガ我々ノ國家トシテノ平和ト安全ニトツテ重要ナ
モノデアリ、我々ノ自由ナ政治制度ノ保全ト、我々
ノ得長ナル政体ヲ平靜ニ維持スル爲ニ肝要ナモノ
デアルカラデアル。

(一八九五年十二月十七日ノクリイブランド大

統領ノメツセーデ)

此ノ主義ハ國際法デハナイガ、ソレハ自己防衛
權ニ在クモノデアリ、ソノ權利ハ國際法ニヨリ認
メラレテイルモノデアル。此ノ權利ハ獨立主權ノ
必然的ナ一歸結デアル。自衛權ノ行使ガソノ實際
上ノ效果ニ於テソレヲ行使スル國家ノ領土管轄權
ノ限域ヲ超エテナサレ得ルモノデアリ、又云々ナサレルモノデア
ルト云フコトハヨク理解サレテイル所デアル。

× × × ××

モンロー主義ハ米國ノ自己防衛權ニ基ク宣言デアルガ故ニ、ソレハ米洲諸國或ハ夫レ等ノ幾ツカニヨツテナサレル共同若シクハ共通宣言ニ變形サレ得ベキモノデハナイ。

南米諸政府ニ關シテモ他ノ凡テノ點ト同様ニ、此ノ宣言ガ特ニ甚クトコロノ國際權ハ、感情或ハ同情若クハ他ノ國家ガ有スベキ政體ノ種類ヲ指令スル權利デハナクシテ、合衆國ノ安全ニアルノダトイフコトニ注目シナケレバナラナイ。「合衆國ガ政治形態ヘノ干涉ヲ無關心ニ眺メルコトハ出來ナイ」ノハ、「我々ノ平和ト幸福トヲ危險ナラシムルコトナク」シテ聯合國ガ新シイ政府ヲ覆スコトハ出來ナイカラデアル。(一九一四年エリア、ルイト氏)

過去並ニ現在ニ於ケル大統領モンローノ政策ヲ特徴付ケル所ノ基本原則ガ茲ニ三ツアル。第一ニ、モンロー主義ハ變他主義デハナクシテ自利ノ理由ニヨツテ發生シ維持サレル所ノ政策ノ聲明デアツタ。第二ニハソレハ自己防衛權(之ハ國際法ノ公認原則デアル)ノ故ヲ以テ正當化サレルモノデアツタ。第三ニソレハ何等ノ新シイ權利ヲモ生ゼシメナカツタ、ソレ

Aug Doc 1971

Aug Dec 1917

故ソレガ正當ニ係於テレタ目録原則ヲ行通キル場合ハ
ソノ權利ハ消滅シソノ政策ハ他ノ權利ヲ侵害スル故ニ
疑ハシイモノトナル。 × × ×

モンロー主義ハ自衛權ノ上ニ基礎付ケラレテキル。之
ハ個人ノ第一法則デアルト同様諸國家ノ第一法則デア
ル。(一九一四年六月シカゴア、ウィルゼイ教授)

委員會ハ更ニ本條約ガ側面トイフモノヲ明文前ニモ
暗黙裡ニモ規定シテキナイト了解スル。本條約ノ署名
國或ハ本條約ヲ遵守スル國ノ何レモ此ノ條約ヲカク侵
害スル國家トノ關係ニ於テ此ノ條約ニ甚ク義務ヨリノ
如何ナル明文約定ハ暗黙ノ義務若クハ實務ヲモ有シナ
イ。

我言スレバ、此ノ條約ハ、明文前ニモ暗黙裡ニモ、
ソレニ趣文スル國家ノ何レニ對シテモソノ實施ノ爲ニ
權力或ハ強制手段ヲ使用スルコトヲ禁ヘテハキナイ。
自衛ノ場合ヲ除イテ戰爭ニ訴ヘルコトヲセズ、又平和
手段ニヨル以外口際戰爭ノ解決ヲ求メズトイフコトハ
各國家ノ自衛的ニ管轄ナノデアル。ソシテ若シ(口頭
ガ此ノ條約ヲ無視シ之ヲ破ルコトヲ正シイトスルナラ
バ、カ、ル行動ノ結果ハ本條約ノ恩惠ノ下カラソノ國
ヲ取り除クコトデアリ、他ノ諸國ハソノ國トノ條約間

Ref Doc 1971

係ヲ離脱スルコト、ナル。

本條約ハ、如何ナル點ニ於テモ他ノ諸口民又ハ政府
トノ國ニ存在スル如何ナル協定若クハ條約ニ對スル我
ガ國ノ現在ノ地位若クハ關係ヲ變更シ或ハ限定スルモ
ノデハナイ。

此ノ報告書ハ寧ラ上院外交委員會ガ本條約ノ眞ノ保
得ナリト了解スル事ヲ記錄ニ載スル目的ノ爲ニナサレ
タモノデアツテ、如何ナル意味ニ於テモ本條約ヲ修正
或ハ變更シ或ハソレニ一箇乃至數箇ノ誓保ヲ附スル目
的若シクハ意圖ヲ以テナサレタモノデハ決シテナイ。